

To: Honorable Justice James Orenstein

05-CV-207(CBK)

From: Plaintiffs Yevgeniy Yezerskiy, Yefim Yezerskiy (Case CV05-02207)

February 29, 2008

Dear Honorable Sir:

In addition to the materials presented to you by lawyers Kramer and Kleiman, I am sending you a letter that outlines in great detail illegal activities of a crime gang headed by Schwartzman. I am writing this filled with sorrow that despite my rich life experience I let myself to be swindled and doomed my family to suffering and life in poverty.

I have to describe our tragedy. However, I have to say that's all questions on closing the seller had with me. I have to remember, that's we are refugee from Chechnya where we were robbed from bandits and where we had time to run before war without any living. In the United State, we live in the during twelve years. It's from nineteen ninety five to two thousand four, it's me and my son worked hardly and we made not to much money and we got debts from our relatives and we made decision to buy any business. Right now, let me to describe it.

At the time of the sale of the Gas Station, Schwartzman owed a lot of money and his business defaulted. With he help of lawyer Herman, manager Jorsh and lawyer Tsingauz who we hired to conduct the closing, Schwartzman managed to hide this information from us. At that time, he owned \$120, 000 to the landlord, as well as taxes for years 2001-2003 to IRS. At the same time Sunoco became aware of Schwartzman 's illegal operations with the gasoline and was about to annul the contract and present him with a bill for equipment. Besides that, Schwartzman's other business carried debts and he had to pay for the law suits lost to other citizens whom he coned. Altogether, Schwartzman's debts at the moment of closing amounted to \$1.5 millions. Being in such position he tried for several years in any way possible to sell that Gas Station while having no rights to do that because at that point the Gas Station practically belonged the landlord as collateral for the \$120,000 that Schwartzman owed to him. Schwartzman has in advance organized a group consisting of himself, Herman, Jorsh and Tsingauz. Lawyer Herman was employed by Schwartzman, as well as manager Jorsh who received government help because of his physical inability to work and did not pay taxes from his monthly allowance of \$3000 that he received in cash. To execute the plan Schwartzman took advantage of his long acquaintance with lawyer Tsingauz, who was also a friend of Herman. Tsingauz recommended to the buyer(me) through another person to do a deal with Schwartzman. All of this was a set up.

Before the closing Schwartzman hid the name and address of the landlord from the buyer. Have the landlord known about the upcoming deal he would have definitely informed the buyer about the delayed rent payments and the deal would have never occurred. With the help of Herman and Tsingauz, Schwartzman created fraudulent closing documents in which he deliberately did not mention debts and information about the landlords. The closing documents also lacked proper signatures. Schwartzman also neglected to present the contract with Sunoco at the closing. Terms regarding the completion of in-progression Gas Station repairs were also not discussed.

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Immediately after closing, threatening not to let the buyer to operate the Gas Station, Schwartzman forced the buyer to pay \$20,000 for the rent deposit, despite the fact that he himself had failed to pay rent for the past two years. He continued to extort money and forced the buyer to pay \$6,335 for the illegal gas and \$10,000 for the gas left in the tanks, while the Gas Station was still operating under his account and he was collecting the money from the sales. Purchase and sale of illegal gasoline, cigars and cigarettes Schwartzman executed with the help of other using fraudulent documents. Gasoline of unknown quality was delivered in the middle of a night, without certificates and cost 15 cents below the normal price and was sold for the market price. Cigars and cigarettes were delivered in a similar manner and were also purchased at a discounted price. Obviously, no taxes were paid from the sales. This occurred in the months of January-February of the year 2004 when the potential buyer (1), visited the Gas Station for preliminary inspection. All of this was set up to make the Gas Station appear profitable. Schwartzman also stated that Sunoco offered a 9 cents per gallon rebate, while in reality this rebate had been canceled 2 years ago. "You will be rich, you will be making \$20,000 profit a month", he was telling me – a naïve and trusting buyer. He skillfully gained my trust.

Shortly after the closing we discovered about the illegal activities going at the Gas Station and the fact that the Gas Station almost entirely belonged to the landlord as collateral for the debts and that he did not approve of the closing. We demanded our money back.. In response Schwartzman told us to leave and that he would pay us back once he sells the Gas Station to someone else. From March 4<sup>th</sup> to March 20<sup>th</sup> of 2004 Yevgeniy Yezerskiy, in accord with Schwartzman worked along side the current manager to gain experience in running a Gas Station. From March 21<sup>st</sup> until May 15<sup>th</sup> of 2004 he worked at the Gas Station as a regular worker for \$4 an hour. Then Schwartzman moved him to car wash where he worked from May 16 till June 10<sup>th</sup> 2004 at which point he was fired. All this time after closing the owner of the Gas Station was Schwartzman. The Gas Station operated under his corporation and his account. He collected all the money, paid for the gas and store products. For these months Schwartzman paid the taxes. Yevgeniy Yezerskiy has not worked a day and there is tax paperwork to substantiate it.

Schwartzman has been involved in fraudulent activities in USA for 25 years. It became his profession. This conclusion can be drawn from numerous law suits which he lost.

Dear Honorable Sir:

We were shocked and appalled by the fact that Mr. Shwartsman filed an appeal. We all know the reason for this – it is no more than an attempt at drawing out the case. It has been four years since we started the case. From the very beginning, Mr. Shwartsman lied to the court, alleging that we, Yevgeniy Yezerskiy and his father, Yefim Yezerskiy, worked at the station from March 4, 2004 through June 7, 2004 and subsequently became bankrupted. In reality, Yevgeniy worked as a helper at the station for the first two weeks of March to get some practice, until we discovered all of Mr. Shwartsman's manipulations. At that time we didn't have any licences and didn't get the permit to work from Sonoco Corporation. Thus we had to cancel the agreement and request that our money be returned to us. Mr. Shwartsman promised to refund all of the money after

selling the Gas Station, but instead he did the same exact thing that he has done before to many other people. He planned to liquidate all his businesses and make believe that he never had anything.

After the closing, Shwartsman's company still worked at the station and as a result filed a tax return for March, April, and May 2004 (we can produce a copy of this upon your request). In a few months, Mr. Shwartsman was made to leave the Gas Station due to his failure to pay rent and repay his debt to Sonoco Corporation.

We believe in the justice of our country, and we hope that you will forgive us for this attempt to explain our problems. Thank you very much for your time and understanding.

Sincerely, Yefim Yezerskiy  
Yevgeniy Yezerskiy